IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1352 OF 2004

Binay BahadurShrivastava ..Petitioner

Versus

MHADA and Ors. ..Respondents

Petitioner-in-person.
Mr.G.W. Mattos, Assistant Government Pleader, for respondent Nos. 1, 2 and 6.

CORAM: **DALVEER BHANDARI, C.J.** &
DR. D.Y. CHANDRACHUD,J.

DATE: AUGUST 23, 2004.

P.C.

The learned Assistant Government Pleader, appearing for respondent Nos. 1, 2 and 6, on instructions, submits that balance repairs as mentioned in the affidavit of Pramod Anant Sawant dated 23rd August, 2004, shall be carried out within eight weeks from today. The petitioner-in-person submits that on the first and second floors in respect of building No. 30, W.Cs (as shown in Exhibit-1 to the affidavit dated 23rd August, 2004) existed even prior to 1962, which is disputed by the learned

Assistant Government Pleader. As a matter of fact, Pramod A. Sawant, in his aforesaid affidavit, has stated that petitioner-in-person has illegally and unlawfully constructed W.Cs on the first and second floors of the said building No. 30. Without going into the veracity of the statement of the petitioner-in-person and the respondents, we give liberty to the petitioner-in-person to produce all documents in his possession to show whether W.Cs existed on the first and second floors of building No. 30 before 1962.

2. As regards building No.30A, the learned Assistant Government Pleader submitted that the portion marked in Blue colour (Exhibit-2 to the said affidavit) is an illegal construction. This is disputed by the petitioner-in-person.The petitioner-in-person is at liberty to produce all documents in his possession to show whether the said portion was in existence prior to 1962.

3. Let the aforesaid documents be filed with respondent Nos. 1 and 2 within two weeks from today. Respondent Nos.1 and 2 are directed to consider the said documents and pass a reasoned

order within two weeks thereafter. No further directions are necessary in this petition.

4. This writ petition is accordingly disposed of.

5. The parties be supplied authenticated copies.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.